

Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (TX)
Hancock
Hansen
Harman
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kennelly
Kildee
Kim
King
Kingston
Klecza
Klug
Kolbe
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lincoln
Linder
Lipinski
LoBiondo
Lofgren
Lowey

Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martini
Mascara
McCarthy
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Meehan
Menendez
Metcalf
Meyers
Mica
Miller (FL)
Mink
Molinari
Moorhead
Moran
Morella
Myers
Myrick
Nadler
Neal
Nethercutt
Ney
Norwood
Oberstar
Oliver
Owens
Oxley
Packard
Pallone
Pastor
Paxon
Pelosi
Peterson (MN)
Pickett
Pombo
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Rivers
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Rush

NAYS—128

Abercrombie
Baesler
Baker (CA)
Baldacci
Barrett (WI)
Beilenson
Bereuter
Berman
Bevill
Billakis
Borski
Browder
Brown (CA)
Brown (FL)
Callahan
Canady
Chapman
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Combust
Conyers
Coyne
Cramer
Cunningham
de la Garza
Dellums
Dicks
Dixon
Edwards
Eshoo

Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Foley
Ford
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Hamilton
Hastert
Hastings (FL)
Hefner
Hilliard
Jackson-Lee
Jacobs
Johnson, E.B.
Johnston
Kanjorski
Kennedy (MA)
Kennedy (RI)
Klink
Knollenberg
LaFalce
Lewis (GA)
Lightfoot

Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shays
Shuster
Skeen
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Nussle
Tejeda
Thomas
Thornberry
Tiahrt
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Volkmer
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Wyden
Wynn
Zeliff
Zimmer

Roybal-Allard
Sabo
Schroeder
Shaw
Sisisky
Skaggs
Skelton
Souder
Spence
Spratt

Bateman
Hall (OH)
Jefferson

Stark
Stokes
Studds
Taylor (MS)
Thompson
Thornton
Torkildsen
Torres
Tucker
Visclosky

NOT VOTING—8

Minge
Moakley
Reynolds

Vucanovich
Ward
Waters
Watt (NC)
Waxman
Williams
Woolsey
Yates
Young (FL)

Thurman
Young (AK)

□ 1644

Mr. HASTERT changed his vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1645

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 21, the Senate bill just passed.

The SPEAKER pro tempore (Mr. COMBEST). Is there objection to the request of the gentleman from New York?

There was no objection.

PERSONAL EXPLANATION

Mr. GENE GREEN of Texas. Mr. Speaker, on Monday, July 31, I was in my district conducting a previously scheduled townhall meeting, and, therefore, missed rollcall votes 601 through 607. These events were planned at the time with information from the House leadership that the House would not be casting votes on July 31.

I am including in the RECORD how I would have voted on rollcall votes 601-607.

No. 601—"yes"; No. 602—"yes"; No. 603—"yes"; No. 604—"no"; No. 605—"yes"; No. 606—"yes"; and No. 607—"no".

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 1854, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1996

Mr. DIAZ-BALART from the Committee on Rules, submitted a privileged report (Rept. No. 104-221) on the resolution (H. Res. 206) waiving points of order against the conference report to accompany the bill (H.R. 1854) making appropriations for the legislative branch for the fiscal year ending September 30, 1996, and for other purposes, which was referred to the House Calendar and ordered to be printed.

THE COURT REPORTER FAIR LABOR AMENDMENTS OF 1995

Mr. FAWELL. Mr. Speaker, I ask unanimous consent for the immediate

consideration of the bill (H.R. 1225) to amend the Fair Labor Standards Act of 1938 to exempt employees who perform certain court reporting duties from the compensatory time requirements applicable to certain public agencies, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

Mr. OWENS. Mr. Speaker, reserving the right to object, I will ask the gentleman to explain his unanimous-consent request.

Mr. FAWELL. Mr. Speaker, will the gentleman yield?

Mr. OWENS. Further reserving the right to object, I yield to the gentleman from Illinois.

Mr. FAWELL. Mr. Speaker, I thank the gentleman for yielding.

H.R. 1225, as reported by the Committee on Economic and Educational Opportunities on July 20, 1995, would allow an exemption under the Fair Labor Standards Act for official court reporters while they are performing transcription duties and being paid on a per-page basis.

I introduced H.R. 1225 on March 14, 1995. Without this bill, almost every State and local government and court will have to alter their payment structures for official court reporters.

My colleagues on both sides of the aisle deserve acknowledgment for their efforts in moving this bipartisan legislation and, in particular, the gentleman from North Carolina [Mr. BALLENGER], whose subcommittee held hearings on this bill, also to the chairman, the gentleman from Pennsylvania [Mr. GOODLING], and the ranking minority member, the gentleman from Missouri [Mr. CLAY], for their leadership in shepherding this bill through the committee. I especially want to pay my respects to the gentleman from New York [Mr. OWENS], who helped craft the final language of the substitute, and his help and guidance was certainly instrumental in this bill.

I understand that the other body will take up this bill in the near future. I look forward to their expeditious consideration of this matter.

Mr. OWENS. Mr. Speaker, further reserving the right to object, I rise in support of the unanimous consent request.

As the gentleman stated, H.R. 1225 concerns the compensation for overtime for State and local court reporters. Although a blanket exemption from the Fair Labor Standards Act overtime requirements would be inappropriate, where court reporters are otherwise receiving compensation for a transcript on a per-page basis and are preparing the transcript on their own time, that time should not be required to count for purposes of computing the reporters' overtime.

I support this legislation because it achieves that end, and I commend my colleagues, the gentleman from Pennsylvania [Mr. GOODLING], the gentleman from Illinois [Mr. FAWELL], the

gentleman from North Carolina [Mr. BALLENGER], for working to resolve this issue in a bipartisan manner.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the bill, as follows:

H.R. 1225

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "The Court Reporter Fair Labor Amendments of 1995".

SEC. 2. LIMITATION ON COMPENSATORY TIME FOR COURT REPORTERS.

Section 7(o) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(o)) is amended—

(1) by redesignating paragraph (6) as paragraph (7); and

(2) by inserting after paragraph (5) the following new paragraph:

"(6) A public agency may not be considered to be in violation of subsection (a) with respect to an employee who performs court reporting transcript preparation duties if such public agency and such employee have an understanding that the time spent performing such duties outside of normal working hours or regular working days is not considered as hours worked for the purposes of subsection (a)."

SEC. 3. EFFECTIVE DATE OF AMENDMENTS.

The amendments made by section 2 shall take effect as if included in the provisions of the Fair Labor Standards Act of 1938 to which such amendments relate, except that such amendments shall not apply to an action—

(1) that was brought in a court involving the application of section 7(a) of such Act to an employee who performed court reporting transcript preparation duties; and

(2) in which a final judgment has been entered on or before the date of enactment of this Act.

COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

The SPEAKER pro tempore. The Clerk will report the committee amendment in the nature of a substitute.

The Clerk read as follows:

Committee amendment in the nature of a substitute:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Court Reporter Fair Labor Amendments of 1995".

SEC. 2. LIMITATION ON OVERTIME COMPENSATION FOR COURT REPORTERS.

Section 7(o) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(o)) is amended—

(1) by redesignating paragraph (6) as paragraph (7); and

(2) by inserting after paragraph (5) the following new paragraph:

"(6) The hours an employee of a public agency performs court reporting transcript preparation duties shall not be considered as hours worked for the purposes of subsection (a) if—

"(A) such employee is paid at a per-page rate which is not less than—

"(i) the maximum rate established by State law or local ordinance for the jurisdiction of such public agency,

"(ii) the maximum rate otherwise established by a judicial or administrative officer and in effect on July 1, 1995, or

"(iii) the rate freely negotiated between the employee and the party requesting the transcript, other than the judge who presided over the proceedings being transcribed, and

"(B) the hours spent performing such duties are outside of the hours such employee performs other work (including hours for which the agency requires the employee's attendance) pursuant to the employment relationship with such public agency.

For purposes of this section, the amount paid such employee in accordance with subparagraph (A) for the performance of court reporting transcript preparation duties, shall not be considered in the calculation of the regular rate at which such employee is employed."

SEC. 3. EFFECTIVE DATE.

The amendments made by section 2 shall apply after the date of the enactment of this Act and with respect to actions brought in a court after the date of the enactment of this Act.

Mr. FAWELL (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FAWELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 days in which to revise and extend their remarks on H.R. 1225, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

PERMISSION FOR COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT TO FILE LEGISLATIVE REPORT ON H.R. 1670 AND H.R. 2108

Mr. CLINGER. Mr. Speaker, I ask unanimous consent that the Committee on Government Reform and Oversight have until midnight tonight to file the legislative report on H.R. 1670 and H.R. 2108.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 1-minute requests.

GENERAL LEAVE

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on Mr. Keith Jewell, the official photographer of the House, who is resigning today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

TRIBUTE TO KEITH JEWELL

(Mr. DINGELL asked and was given permission to address the House for 1 minute.)

Mr. DINGELL. Mr. Speaker, I rise today to bid a fond farewell to a distinguished public servant and to a man who has served this House with great dignity and diligence over a career that has spanned almost three decades, whose last day with the House of Representatives is today.

He has served admirably as the Director of the House Office of Photograph, a demanding job in an office that logged over 19,000 visits to offices of Members of Congress and to address other functions in the last year alone. He joined Members of this body on countless missions overseas, including a trip to Saudi Arabia during the Gulf war and the 50th anniversary of Normandy last year.

Most of us see Keith Jewell at some point almost every day we are in session. Usually it is as he moves rapidly from one appointment to the next to serve the House, take pictures of Members and our constituents. Once in a while, if you have had time to chat with Keith, the Members will know what a thoroughly decent and hard working man he is and how dedicated he has been to the service of this body as well as the extraordinary leadership which he has given to a competent group of photographers.

Sadly, one of Mr. Jewell's staff is also retiring today, Joseph Avery, after some 35 years of service. He, too, has served this institution with great distinction.

This is why I have reason to pay tribute, well deserved, to these fine gentlemen. Whether it was on the House steps or on an overseas mission, Keith Jewell has been one of the official recorders of the history of this institution.

I wish him great success in the future and happiness as he joins his dear wife, a wonderful woman, Lorren, in a long and, I hope, healthy and happy retirement.